

Committee Agenda

Committee: Senate Agriculture and Natural Resources
Room: 412
Date: Thursday, February 25, 2010
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1055](#)* **revise certain provisions regarding the appointment of members to the Game, Fish and Parks Commission.**

The Committee on State Affairs at the request of the Department of Game, Fish and Parks

[HB 1264](#)* **provide for the issuance of free antlerless deer licenses to certain landowners and lessees.**

Representatives Schrempp, Bolin, Cronin, Fargen, Frerichs, Hoffman, Killer, Lange, Lucas, Olson (Betty), Romkema, Russell, Sly, Solberg, Sorenson, and Verchio and Senators Bartling, Bradford, Kloucek, Maher, and Rhoden

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

LARRY RHODEN, Chair

85th Legislative Session – 2010

Committee: Senate Commerce

Thursday, February 25, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Gant
P Merchant
P Nesselhuf
P Turbak Berry
P Nelson, Vice-Chair
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 23, 2010

Moved by: Adelstein
Second by: Nelson
Action: Prevailed by voice vote.

HB 1180: provide for the issuance of an on-sale license and malt beverage license for the county fairgrounds and to authorize counties to issue an additional on-sale license.

Presented by: Representative Kristin Conzet

MOTION: DO PASS HB 1180

Moved by: Adelstein
Second by: Merchant
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Excused: Gant

MOTION: PLACE HB 1180 ON CONSENT CALENDAR

Moved by: Adelstein

Second by: Merchant

Action: Prevailed by voice vote.

HB 1001: allow municipalities and counties to issue certain special alcoholic beverage licenses and to repeal certain special alcoholic beverage licenses.

Presented by: Senator Craig Tieszen

Proponents: Representative Charles Turbiville

Matt Fonder, Department of Revenue & Regulation

Tim Dougherty, Licensed Beverage Dealers of SD

Yvonne Taylor, SD Municipal League

Shawn Lyons, SD Retailers Association

MOTION: AMEND HB 1001

1001ja

On page 2 of the House Commerce Committee engrossed bill, delete lines 18 to 20, inclusive.

Moved by: Turbak Berry

Second by: Nesselhuf

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1001 AS AMENDED

Moved by: Nelson

Second by: Merchant

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Excused: Gant

HB 1002: revise certain provisions regarding the days and hours that alcoholic beverages may be sold on a licensed premise and who may sell, serve, or dispense alcoholic beverages on a licensed premise and to revise certain provisions concerning the power of municipalities and counties to regulate the sale and use of alcoholic beverages.

Presented by: Representative Charles Turbiville
Proponents: Shawn Lyons, SD Retailers Association
Representative Eldon Nygaard (Handout: 1)

Bob Riter, SD Beer Wholesalers answered some questions of the committee.

MOTION: AMEND HB 1002

1002ja

On page 3, line 9, of the House engrossed bill, delete "less than twenty-one years old" and insert "eighteen years old or older".

On page 3, delete lines 10 and 11, and insert "beverages.".

Moved by: Nelson
Second by: Adelstein
Action: Prevailed by voice vote.

MOTION: AMEND HB 1002

1002jb

On page 1, line 12, of the House engrossed bill, after "sale" insert ", service, and consumption".

Moved by: Turbak Berry
Second by: Merchant
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1002 AS AMENDED

Moved by: Adelstein
Second by: Nelson
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Voting No: Gant

HB 1118: revise certain provisions regarding fees for health services provided to South Dakota injured workers treated by out-of-state medical providers.

Presented by: Senator Russell Olson

Proponents: Myron Rau, SD Trucking Association

Dick Tieszen, SD Associated School Boards

Mike Shaw, Property and Casualty Insurance

Deb Mortenson, Associated General Contractors of SD - HHU Chapter

Shawn Lyons, SD Retailers Association

James Marsh, Department of Labor

Opponents: Fern Johnson, self, Rapid City (Handout: 2)

The gavel was turned over to Vice-Chair, Senator Tom Nelson

MOTION: AMEND HB 1118

1118ja

On page 2, line 2, of the printed bill, after "." insert "However, the employer or the employer's insurer shall promptly reimburse and hold harmless the employee for any damages arising from the collection of, or attempt to collect, fees in excess of the amount allowed by this section.".

Moved by: Turbak Berry

Second by: Merchant

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry

Voting No: Gant, Nelson, Olson (Russell)

MOTION: DO PASS HB 1118 AS AMENDED

Moved by: Turbak Berry

Second by: Nesselhuf

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Voting No: Gant

The gavel was turned back to Chair, Senator Russell Olson.

HB 1206: provide that incontestability provisions in certain life insurance policies do not apply in cases of fraud.

Presented by: Representative Todd Schlekeway
Proponents: Dick Gregerson, American Council of Life Insurance
Randy Moses, Division of Insurance

MOTION: DO PASS HB 1206

Moved by: Nesselhuf
Second by: Adelstein
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE HB 1206 ON CONSENT CALENDAR

Moved by: Nesselhuf
Second by: Turbak Berry
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Adelstein
Second by: Merchant
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Russell Olson, Chair

Committee Agenda

REVISED

Committee: Senate Education
Room: 423
Date: Thursday, February 25, 2010
Time: 8:00 AM

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COMMITTEE MEETING CANCELLED

COOPER GARNOS, Chair

Committee Agenda

Committee: Senate Judiciary
Room: 413
Date: Thursday, February 25, 2010
Time: 7:45 AM

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Attorney General Reappointments:

Sharon Kallemeyn, Pennington County, Rapid City, South Dakota to the Crime Victims Compensation Commission
Brian K. Zeeb, Brookings County, Brookings, South Dakota to South Dakota Council for Interstate Adult Offender Supervision

[HB 1075](#) **revise certain provisions relating to credit against unpaid fines and costs for time served and to disallow credit for time served against unpaid victim restitution.**
The Committee on Judiciary at the request of the Chief Justice

[HB 1076*](#) **repeal certain statutes related to the testimony of sex offense victims and to evidence of a victim's prior sexual conduct in coordination with the adoption of certain evidentiary rules by the Supreme Court.**
The Committee on Judiciary at the request of the Chief Justice

[HB 1077*](#) **enact a procedure for delayed appeal if the petitioner was unconstitutionally denied the right of appeal.**
The Committee on Judiciary at the request of the Chief Justice

[HB 1078](#) **revise certain provisions regarding court records inspection and copying.**
The Committee on Judiciary at the request of the Chief Justice

[HB 1079](#) **revise certain provisions relating to the issuance of a new birth certificate in certain adoptions.**
The Committee on Judiciary at the request of the Chief Justice

[HB 1080](#) **correct the omission of a reference to fifth-offense DUI for habitual offender cases and to remove certain outdated language.**
The Committee on Judiciary at the request of the Chief Justice

[HB 1244](#) **increase the penalty for solicitation of a minor.**
Representatives Cutler, Blake, Conzet, Cronin, Curd, Engels, Novstrup (David), Peters, Steele, and Turbiville and Senators Gray, Abdallah, Bartling, Peterson, and Tieszen

[HB 1105*](#) **permit the record of a person's arrest to be expunged.**
Representatives Cutler, Deadrick, Engels, Feinstein, Gosch, Kirkeby, McLaughlin, Rave, Romkema, and Turbiville and Senators Nelson, Abdallah, Gray, Maher, Tieszen, and Turbak Berry

[HB 1104*](#) **limit the source of recovery in certain civil actions for childhood sexual abuse injuries.**
Representatives Deadrick and Juhnke and Senator Garnos

[HB 1092*](#) **revise the certain provisions concerning continuing liens on wages by garnishment.**
Representatives Kirkeby, Brunner, Cutler, Feinstein, Gibson, Gosch, Hoffman, Hunt, Lust, Nygaard, Olson (Betty), Schlekeway, Turbiville, and Verchio and Senators Hansen (Tom), Gant, Maher, Merchant, Miles, Nelson, and Tieszen

[HB 1265](#) **revise certain provisions related to indigent counsel.**
Representatives Gibson, Feickert, Hunhoff (Bernie), Kirkeby, Lederman, Nygaard, Solum, and Thompson and Senators Hansen (Tom) and Fryslye

[HB 1071*](#) **revise certain provisions relating to parental liability for willful acts of a child and to revise the limitation on recovery.**
Representatives Engels, Cutler, Feinstein, Gibson, Hamiel, Hoffman, Hunt, Killer, Moser, Nygaard, Olson (Betty), Schlekeway, Sorenson, and Turbiville and Senators Jerstad, Abdallah, Bradford, Fryslye, Gant, Hanson (Gary), Merchant, Miles, Schmidt, Tieszen, and Vehle

[HB 1110*](#) **revise certain provisions relating to statutory rape.**
Representatives Engels, Cutler, Feinstein, Gibson, Gosch, Hoffman, Killer, and Turbiville and Senators Turbak Berry, Abdallah, Gant, and Jerstad

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.